

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

**Certified copy of portion of proceedings; Meeting on May 1, 2012**

RESOLUTION NO. 12-27

RESOLUTION OF THE BOARD OF SUPERVISORS

OF THE COUNTY OF HUMBOLDT

ESTABLISHING THE MCKINLEYVILLE MUNICIPAL ADVISORY COMMITTEE

**WHEREAS**, Section 31010 of the California Government Code allows the formation of citizen advisory committees to advise the board on services to communities including but not limited to advice on matters of public health, safety, welfare, public works, and planning.

**WHEREAS**, Section 1700 and 1720 of the 2002 McKinleyville Community Plan calls for the formation of a McKinleyville Municipal Advisory Committee with the following goals:

- To provide for localized decision making on land use and development in the McKinleyville Community Plan Area.
- To provide for discrete input on matters relating to long-range land use planning for the McKinleyville Community Plan Area.
- Serve as a vehicle for the voice of citizenry to County Supervisors.

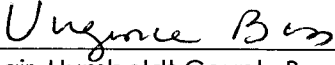
**NOW, THEREFORE BE IT RESOLVED** by the Humboldt County Board of Supervisors that this Board has reviewed and considered the Rules, Regulations and Procedures for the Establishment and Operation of the McKinleyville Municipal Advisory Committee contained in Exhibit A of this Resolution.

**NOW, THEREFORE BE IF FURTHER RESOLVED** by the Humboldt County Board of Supervisors that the following findings be and are hereby made:

1. The formation of the McKinleyville Municipal Advisory Committee is in the public interest because it provides for localized input on land use and development in the McKinleyville Community Plan Area, including discrete input on matters relating to long-range land use planning for the McKinleyville Community Plan Area, and serves as a vehicle for the voice of citizenry to County Supervisors.
2. The McKinleyville Municipal Advisory Committee will provide valuable guidance to the Board on issues associated with the services the County provides to McKinleyville including but not limited to matters of public health, safety, welfare and public works.
2. The formation of the McKinleyville Municipal Advisory Committee is consistent with Section 31010 of the California Government Code.
3. The formation of the McKinleyville Municipal Advisory Committee is consistent with Section 1700 of the McKinleyville Community Plan.
4. The Board of Supervisors held a public hearing on May 1, 2012 to consider the public's concerns and comments.

**BE IF FURTHER RESOLVED** that this Board of Supervisors hereby approves the formation of the McKinleyville Municipal Advisory Committee consistent with the Rules, Regulations and Procedures for Establishment and Operation of the McKinleyville Municipal Advisory Committee in Exhibit A of this Resolution, which is incorporated by reference as if set forth in its entirety herein.

**BE IF FURTHER RESOLVED** that the individual parts of this resolution are severable, such that if one or more parts are determined to be invalid, all the other parts will remain in full force and effect.

  
Chair, Humboldt County Board of Supervisors

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OF THE COUNTY OF HUMBOLDT

ESTABLISHING THE MCKINLEYVILLE MUNICIPAL ADVISORY COMMITTEE

Adopted on motion by Supervisor Sundberg, seconded by Supervisor Smith  
and the following vote:

AYES: Supervisors: Sundberg, Smith, Lovelace, Bass, Clendenen

NOES: Supervisors:

ABSENT: Supervisors:

STATE OF CALIFORNIA

)

) SS.

County of Humboldt

)

I, KATHY HAYES, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby  
certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said  
Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

KATHY HAYES

Clerk of the Board of Supervisors of the County of Humboldt, State of California

By:

  
KATHY HAYES

Date:

5-1-12

## **EXHIBIT A**

### **Rules, Regulations and Procedures for Establishment and Operation of the McKinleyville Municipal Advisory Committee (MMAC)**

#### **1) Territorial Jurisdiction**

All lands within the boundaries of the McKinleyville Community Planning Area shown in Figure 1 of the 2002 McKinleyville Community Plan, and the areas shown as "Alternative 1" and "Alternative 2" in the attached map (Figure 1).

#### **2) Responsibilities of the MMAC**

In accordance with the 2002 McKinleyville Community Plan, 1730, the Board of Supervisors shall appoint a Municipal Advisory Committee to advise the Board of Supervisors on local McKinleyville community issues.

The McKinleyville Municipal Advisory Committee (MMAC) is tasked with gathering input from the community and commenting on matters of concern which relate to County services provided to McKinleyville including but not limited to public works, health, safety, welfare and public financing. The MMAC is not intended to address countywide topics.

A secondary responsibility of the MMAC is to review, comment and provide advisory recommendations to the Planning Commission and the Board of Supervisors on proposed zoning amendments, and General Plan petitions and amendments located within the McKinleyville Planning Area related to conformance with the McKinleyville Community Plan. The MMAC will also discuss and provide input on long-range planning issues.

The MMAC would not review, comment or provide advisory recommendations on subdivisions, conditional use permits, special permits, coastal development permits or variances unless they are part of a larger project which also includes a General plan Amendment or Zone Reclassification. The MMAC will make recommendations on proposed zoning, General Plan petitions and amendments, but is not a decision-making body. The MMAC will not have authority to make, set, provide interpretation of or enforce county ordinances, policies or laws.

Input received from the community is not limited to comments received at a MMAC meeting. Community input to the MMAC can be received via letter, or email. Community members may also provide direct input to the Planning Commission and Board of Supervisors by attending meetings held by those bodies. The MMAC should encourage and inform the public when there are other opportunities to provide input. Agencies referring items to the MMAC are encouraged to adopt standards for making referrals to ensure continuity and consistency of items being forwarded.

The MMAC meetings will also provide an opportunity for County, and non-county agency staff to provide the McKinleyville community with information or updates

#### **Requests to County Departments**

The MMAC may request County staff attend MMAC meetings and provide information regarding community issues. Requests of County staff will be made through the Clerk of the Board by phone at (707) 476-2396 or by email at [khayes@co.humboldt.ca.us](mailto:khayes@co.humboldt.ca.us).

#### **Meeting Frequency**

Regular and special MMAC meetings shall be held in conformance with the Brown Act and take place in a convenient venue for McKinleyville residents. For proposed zoning and general plan petitions and amendments, time is of the essence, and meetings shall be held to ensure review is completed within two (2) months of receiving the project referral from the Planning Division.

Upon agreement with the McKinleyville Community Services District Board, McKinleyville Communities Services District (MCSD) shall provide an appropriate meeting venue for the MMAC meetings at no cost to the County.

#### *Provide Written Advisory Recommendations*

After the MMAC has reviewed a proposed project, listened to presenters and gathered community input, a written advisory recommendation for support, modifications or denial; with or without suggested changes, shall be submitted to the Planning Commission, Board of Supervisors, or other agency for consideration as appropriate.

After the MMAC is presented with an issue, the MMAC may choose to not formally consider, deliberate and vote on the issue or the MMAC may choose to take a neutral position. Failure of the MMAC to comment prior to a public hearing on a proposed project shall not be cause for the hearing to be postponed. Copies of all correspondence from the MMAC shall be provided to the Clerk of the Board.

#### *Promote and Encourage Public Comment*

The public has a right to be present at all MMAC meetings, to hear all of the dialogue related to any item on the MMAC agenda (with the exception of personnel matters and litigation), and to comment on any item which is discussed. The MMAC shall encourage public comment and maintain an impartial viewpoint regarding any topic until information or comment has been presented.

#### *Conformance with the Brown Act*

The California State Legislature passed the Ralph M. Brown Act to assure that legislative bodies, like the MMAC, conduct their business and make their recommendations in open public meetings.

The MMAC is created by formal action of a legislative body; is covered by the requirements of the Brown Act; and shall conduct its affairs consistent with all Brown Act requirements.

#### *Ex Parte Communications*

Ex Parte communications are contacts (e.g. emails, meetings, conversations) made by one party with a decision-maker outside the presence of other interested parties. When these contacts occur about a matter that is quasi-judicial in nature, i.e. subdivision maps, conditional use permits, variances, or Coastal Development Permits, the applicant's right to an impartial decision-maker may be unfairly impacted. The MMAC is neither a decision-making body nor is it designed to make recommendations on quasi-judicial matters. However, to the extent that quasi-judicial projects are included in general plan or zoning amendment matters presented for recommendation, members should avoid ex parte communication on these items, and ensure that discussion takes place only during the public meeting.

#### *Governance*

The MMAC shall adopt rules, regulations and procedures as are reasonable and appropriate for its activity to deliberate and provide recommendations to appropriate agencies, County Departments and the Board of Supervisors. These rules may only be implemented upon specific approval by the Board of Supervisors. In the absence of other approved governing procedures, Robert's Rules of Order shall be used to govern the MMAC.

The MMAC shall annually at the beginning of the calendar year select its own Chair, Vice Chair and Secretary.

The Chair of the MMAC plays an important role in conducting meetings that are orderly, positive and productive. The Chair is responsible for the following:

- Draft an agenda
- Ensuring meeting materials are emailed to the County Clerk of the Board for distribution to the MMAC members and other interested parties for review.
- Leading the MMAC meeting in an orderly, efficient and productive manner.

- Drafting language for and signing recommendation and comment letters approved by the MMAC.
- Ensuring posting all meeting agendas in a conspicuous place at the meeting location at least 72 hours in advance of the meeting.
- Providing copies of all correspondence from the MMAC to the Clerk of the Board

If the MMAC is unable to reach a quorum at a regular or special meeting, that meeting is cancelled.

#### *Records*

The MMAC is responsible for creating and posting agendas for its meetings, taking minutes of its meetings, and recording of all its decisions. The MMAC shall file all agendas, minutes and records of its decisions with the Clerk of the Board of Supervisors in a timely manner. The MMAC shall maintain current contact information for all MMAC members, and provide updated information to the Clerk of the Board in a timely manner. The Clerk of the Board will forward the MMAC recommendations to the appropriate County agencies to which they are directed and will maintain a file that will contain all MMAC agendas, minutes of meetings and records of all MMAC decisions. The MMAC is a local public agency and as such its records are subject to disclosure pursuant to the California Public Records Act.

#### *Compensation*

All members of the MMAC shall serve without compensation.

#### *Conflict Of Interest*

If a MMAC member's professional or community interests involve issues before the MMAC, there may be a conflict of interest. To allow the MMAC to remain as objective as possible in the comments and recommendations it provides, a MMAC member must refrain from participating in MMAC discussions or decisions in which they have a financial or other interest that would cause them to be biased, to not be impartial, or to have an appearance of bias.

If a MMAC member believes there may be a conflict of interest or the appearance of a conflict of interest, the MMAC member shall publicly identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. If a MMAC member has a personal economic interest in a matter on the agenda and wishes to speak on that matter as a private citizen, the MMAC member must follow the rules set forth in the Fair Political Practices Act.

The MMAC will be added to the County's Conflict of Interest Code. All MMAC members will be required to comply with the Fair Political Practices Act, which is standard County policy and includes the filing of the Form 700 Statement of Economic Interest.

### **3) Responsibilities of the County**

#### *Requests To and From County Departments*

The MMAC may request that a County Department provide information to the MMAC on a matter within the subject matter jurisdiction of the Committee. County Departments likewise may request time on the MMAC's agenda to discuss items and issues of concern related to the McKinleyville area.

The Planning Division shall determine if an application for a proposed zoning or general plan petition or amendment is within the MMAC area. If so, the application will be referred to the MMAC for consideration at the next available meeting.

Planning Division staff shall attend MMAC meetings when proposed zoning and general plan petitions and amendments are considered to present the item and provide interpretation of the county zoning ordinance, the county General Plan and the McKinleyville Community Plan.

#### *Current Projects Listings*

The Planning Division shall prepare and distributes the "Current Projects Listing" to the MMAC once a month. This document will include a list all the discretionary permit applications, proposed zoning and general plan petitions and amendments currently under review. (This listing will also be available to the public on the County's web site at [www.co.humboldt.ca.us/planning](http://www.co.humboldt.ca.us/planning).)

The Public Works Department shall also prepare and distribute a current project listing to the MMAC once a month. This document will include a list all the proposed road and other infrastructure projects currently under design and implementation within the MMAC area, with sufficient detail for the MMAC to anticipate potential conflicts with existing or anticipated MCSD infrastructure.

#### Email Distribution List

The Clerk of the Board shall create and maintain an email distribution list for MMAC members and interested parties. This list shall be used to distribute meeting agendas, minutes, reports, and other information to MMAC members.

#### Staffing and Funding

The County will provide the MMAC some staff resources for purposes of posting, copying, and distribution of agendas, and dedicated funding to cover materials and supplies. Budgetary commitments of County staff and resources to the MMAC are at the discretion of the Board of Supervisors. Review of the County costs associated with MMAC operations shall be submitted to the Board of Supervisors by the MMAC and considered annually as part of the County budget review. County staff shall be directed to seek available grant funding to support the committee's efforts.

#### **4) Composition and Terms of Office of the MMAC Members**

The MMAC shall be composed of seven (7) voting members and one (1) non-voting member. There is no limit on the number of terms a voting member may serve. The terms shall be staggered such that no more than four voting member's terms expire at the same time.

Initially, the 5<sup>th</sup> District Supervisor shall appoint three (3) voting members to 2-year terms. After their initial terms have expired, the 5<sup>th</sup> District Supervisor shall thereafter appoint three (3) members serving 4-year terms.

Initially, the full Board of Supervisors, by majority vote, shall appoint three (3) voting members to 4-year terms. After their initial terms have expired, the full Board of Supervisors, by majority vote, shall thereafter appoint three (3) members serving 4-year terms.

Initially, one (1) voting member shall be a McKinleyville Community Services District (MCSD) Board member, or their designee, appointed by majority vote of the full MCSD Board to a 4-year term. After that member's initial term has expired, the full MCSD Board, by majority vote, shall thereafter appoint a member serving a 4-year term.

The MCSD General Manager shall serve as a non-voting member of the MMAC.

#### **5) Qualifications for Membership**

All MMAC voting members shall be residents or business owners within the MMAC geographical area.

#### **6) Removal from Office**

The voting MMAC members appointed by the 5<sup>th</sup> District Supervisor shall serve at the will of that sitting Supervisor, and may be removed by that Supervisor at any time. The voting MMAC member appointed by the MCSD Board shall serve at the will of that Board, and may be removed by a majority vote of the full MCSD Board at any time. In addition, all voting MMAC members serve at the pleasure of the Board of Supervisors and may be removed from office by a majority vote of the Board of Supervisors at any time.

Replacement of voting MMAC members removed by the 5<sup>th</sup> District Supervisor, by the MCSD Board by majority vote, or by the Board of Supervisors by majority vote shall follow the procedures in Section 4 (Composition and Terms of Office of the MMAC Members). For example if the MMAC voting member removed from office was appointed by the 5<sup>th</sup> District Supervisor, the 5<sup>th</sup> District Supervisor shall appoint a replacement voting member to serve the remainder of the term.

Failure of a voting MMAC member to attend (4) four consecutive regularly scheduled MMAC meetings shall be reported to the Chair of the MMAC and will result in automatic removal unless the MMAC member missing the meetings wishes extenuating circumstances to be considered. The MMAC member may continue to serve if a majority of the voting MMAC members find extenuating circumstances prevent attendance.

Figure 1 – Areas added to the MMAC territorial jurisdiction

